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the principles of English private law into a series of clear and intelligible rules.

Yes, these volumes by Mr. Clement are a digest ; somewhat diffuse, it is true, and contradictory in parts as any statement must be of the rules actually applied by our various American jurisdictions in fire insurance litigations ; but still a digest of case law. Being a digest, its value must depend upon the clearness and precision with which the rules are expressed and the care with which the cases appended to each rule have been selected. While we have not been able to examine the work with the thoroughness necessary to a final judgment upon its merits, the examination which we have made leads us to believe that the practicing lawyer will find it a most convenient and serviceable handbook. Certainly, its citation of cases has been brought down to date ; and its table of cases, table of contents and its index are very full and satisfactory.

A TREATISE ON THE LAW OF AGENCY. By W. L. Clark and H. L. Skyles. Two vols. St. Paul: Keefe-Davidson Co. 1905. pp. liv, 2178.

This is a book of strangely uneven merit. It opens by justly criticising some definitions of Agency and by giving a definition possessing greater accuracy. Yet the hope thus raised by § 1 is blasted by § 2, which, in dealing with the "creation and existence of the relation," manages to be unsatisfactory in each of its five paragraphs; for in (a) it fails to indicate whether the creation of the relation "in general" requires communication between principal and agent—a shortcoming not wholly made good by the longer discussion in §§ 40-43; and in (b) it fails to make clear that "agency by estoppel" exists only as to the very third person who has been led astray—another shortcoming not aided by the later discussion in §§ 55-56; and in (c) it groups together under "agency by necessity" several incongruous items, some being instances of the enlarged powers which are incident to actual agencies in cases of emergency, and others being instances of no agency at all, but simply of *quasi-contractual* liability, as in the case of necessaries furnished to a wife—a group of shortcomings made somewhat worse by the later discussion in §§ 61-62 and 85; and in (d) it includes "authority of partner to bind firm" as an instance of agency by operation of law—an exaggerated analogy not much improved by what is developed in § 90; and in (e) it includes "agency by ratification" as an instance of actual agency, although, of course, ratification does not in fact make the *quasi-agent* an agent.

On the other hand, not many pages beyond, § 91 treats usefully "unincorporated clubs and societies as principals." Yet § 102, on ratification, is thoroughly untrustworthy, stating in one sentence, with proper citation, the famous House of Lords rule in *Keighley v. Durant* [1901] A.C. 240, and two sentences farther along stating the precisely opposite rule, with no perception that it is an opposite rule and that the authority cited for it in the foot-note is the very decision reversed in *Keighley v. Durant*. Later in the work,

by the way, in § 457, notes 45 and 47, the wrong stage of *Keighley v. Durant* is twice cited as authoritative.

Again, § 99 deals in a useful manner with the "distinction between ratification and adoption." Yet § 118, on the ratification of forgery, seems wholly to miss the point.

Still again, in § 199 the "distinction between general and special agents" is repudiated with considerable discrimination. Yet §§ 461-462 deal very unsatisfactorily with the supposed election which excuses an undisclosed principal from action by a third party, and wholly fail to mention merger as an explanation of some of the cases; and, besides, other passages in the book fail to deal adequately with this perplexing subject of undisclosed principal; for example, § 538 inserts the misleading words "or had no means of knowing," which were repudiated by *Borries v. Imperial Ottoman Bank* (1873) L. R. 9 C. P. 38, and §§ 568-569 fail to specify the exceptions and limitations to the third party's power to hold the agent.

Finally, §§ 577-586 treat in a useful way the liability of the *quasi*-agent who acts without authority for a named *quasi*-principal. Yet § 588 treats very unsatisfactorily the measure of damages in that very case.

No doubt there is some explanation for this extraordinary unevenness; but no explanation can remove the necessity for care in using the book.

Some omissions have been discovered. For example, there seems to be no discussion of the curious question of known numerical limits, although the leading cases on that question, *Mussey v. Beecher* (1849) 3 Cush. 511, and *Barnes v. Ewing* (1866) 4 H. & C. 511, are cited as to other points. Nor is there mention of the fact that the doctrine of *Attwood v. Munnings* (1827) 7 B. & C. 278, as to signatures *per proc.*, has been embodied in the Negotiable Instruments Law.

It is unnecessary to give additional specifications as to the quality of this book, but it seems just to add that undoubtedly the authors and publishers are able to prepare a more thorough piece of work, and that they have produced such a book as this for no other reason than that the members of our profession have led them to believe that in a practitioner's book what is desired is not quality but quantity.

THE AMERICAN LAW RELATING TO INCOME AND PRINCIPAL. By Edwin A. Howes, Jr. Boston: Little Brown & Company. 1905. pp. xviii, 104.

Mr. Howes gives to trustees and laymen generally a concise and unembellished discussion of the rules governing the distribution of profits or losses where there exists a division of rights in property. To trustees and laymen generally, we say, because his work does not purport to deal theoretically with the difficult legal problems engendered by divided ownerships. His statements are confined to